

United States District Court  
Eastern District of Michigan

United States of America

v.

Tobias Mitchell /

Defendant

**ORDER OF DETENTION PENDING TRIAL**

Case Number: 06-20478

07-30386

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

**Part I – Findings of Fact**

✓ (1) I find that:

- ✓ there is probable cause to believe that the defendant has committed an offense
- ✓ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
- ☐ under 18 U.S.C. § 924(c).

✓ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

**Alternative Findings**

✓ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

✓ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

**Part II – Written Statement of Reasons for Detention**

✓ I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- ✓ (a) nature of the offense - Indictment for possession with intent to distribute cocaine and cocaine base and Complaint charging felon in possession of firearm.
- ✓ (b) weight of the evidence - Evidence is strong in both cases.
- ✓ (c) history and characteristics of the defendant - Criminal record since 1983.
  - ☐ 1) physical and mental condition -
  - ✓ 2) employment, financial, family ties - No job; does have some family ties; no assets.
  - ✓ 3) criminal history and record of appearance - Four prior drug convictions (at least 2 felonies) and convicted of resisting/obstructing police. Four current warrants for failure to appear.
- ☐ (d) probation, parole or bond at time of the alleged offense -
- ✓ (e) danger to another person or community -  
Multiple drug convictions over a long period of time suggests that this defendant will continue to endanger the community with drug distribution if released on bond. His use of a firearm after many offenses also suggests a danger to the community. The defendant resisted the arresting officers and attempted to gain control of the firearm. He had to be knocked unconscious to terminate his resistance. The defendant has no job or assets. He faces a mandatory life sentence upon conviction of the drug offenses. Pretrial Services recommends detention. I agree.

**Part III – Directions Regarding Detention**

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: August 14, 2007

s/Donald A. Scheer

*Signature of Judge*

Donald A. Scheer, United States Magistrate Judge

*Name and Title of Judge*